

Sequeira

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**OFFICIAL LIQUIDATOR'S REPORT NO.48 / LIQN-I / 2013/
(Dt. 15/01/2013)**

in

COMPANY PETITION NO.263 OF 1998

and

COMPANY PETITION NO.273 OF 1998

In the matter of Companies Act, (I) of
1956;

And

In the matter of M/s. D.S.J. Finance
Corporation Ltd. (In Prov. Liqn.)

Mr.K.D.Shukla, for Dena Bank.

Ms.Jaimala Raut i/b J.J.Associates, for applicant.

Dr.T.Pandian, O.L.

CORAM : N.M. JAMDAR J.

Thursday 21 February 2013.

P.C.:

On 14 February 2013 following order came to be passed-

“The learned counsel for Dena Bank – secured creditor states that the value of shares of Rs.2.01 as specified by the Official Liquidator is low and each share is worth much more. The Official Liquidator points out that the price of Rs.2.01 is fixed on the basis of communication received from Bombay Stock Exchange.

2. Considering the fact that the property sought to be sold are shares it will be necessary to take appropriate decision regarding their disposal at an early date if the shares are currently being sold at their highest value. However since the learned counsel for the secured creditor makes a statement that according to him price of each share

is more than Rs.2.01, to enable him to place on record material to that effect, S.O. to 21 February 2013.

2. Today when the matter is called out learned counsel for the Dena Bank tenders extract from a website showing that the value of one share as of today is Rs.3.08. Thus the offer given by the intending purchaser is inadequate.

3. By this report the Official Liquidator seeks an order regarding the offer of the intending purchaser to acquire 1,56,300 shares of M/s. Fine Plast Polymers Pvt. Ltd. which were held in Company under liquidation. It appears that the intending purchaser directly approached the Official Liquidator and submitted its Letter of Intent for purchasing the said shares at the rate of Rs.2.01 per share.

4. The Official Liquidator states that since the question of disposal of shares of a listed Company as property of the Company under liquidation, normally does not arise, there is no fixed methodology as to how to dispose of the shares and, therefore, the Official Liquidator has entertained a direct offer from an intending purchaser. Though shares of a listed Company may not be like usual tangible movable or immovable assets, they nevertheless assets of the Company. Therefore, while disposing of such shares, it will be necessary have wider participation of intending purchaser so as to get best possible price.

5. The Official Liquidator will file a report placing on record the methodology the Official Liquidator seeks to propose to enable maximum participation, when the property in the nature shares of a listed Company

is to be disposed of. The Official Liquidator may consult the authorities of Stock Exchange in this regard and also find out modalities for online transfer/transaction of shares.

6. Report shall be filed within two weeks from today. The consideration of the offer of the intending purchaser is deferred.

The report is disposed of.

N.M.JAMDAR, J.